

PR#9833

PARRISH, DANIEL

1/14/2008

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1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF OKLAHOMA

3 STATE OF OKLAHOMA, ex rel.

4 W.A. DREW EDMONDSON, in his capacity as

5 ATTORNEY GENERAL OF THE STATE OF

6 OKLAHOMA, and OKLAHOMA SECRETARY

7 OF THE ENVIRONMENT C. MILES TOLBERT,

8 in his capacity as the TRUSTEE FOR NATURAL

9 RESOURCES FOR THE STATE OF OKLAHOMA,

10 Plaintiffs,

11 vs.

12 No. 05-CV-0329 GFK-SAJ

13 TYSON FOODS, INC., TYSON POULTRY, INC.,

14 TYSON CHICKEN, INC., COBB-VANTRESS, INC.,

15 AVIAGEN, INC., CAL-MAINE FOODS, INC.,

16 CAL-MAINE FARMS, INC., CARGILL, INC.,

17 CARGILL TURKEY PRODUCTION, LLC,

18 GEORGE'S, INC., GEORGE'S FARMS, INC.,

19 PETERSON FARMS, INC., SIMMONS FOODS, INC.,

20 and WILLOW BROOK FOODS, INC.,

21 Defendants.

22 VIDEO DEPOSITION OF DANIEL JOSEPH PARRISH

23 TAKEN ON BEHALF OF THE DEFENDANTS

24 ON JANUARY 14, 2008, BEGINNING AT 9:37 A.M.

25 IN OKLAHOMA CITY, OKLAHOMA

Videographer: Stephanie Britton

Reported by: Lana L. Phillips, CSR, RPR

EXHIBIT

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1 Cal-Maine defendants.

2 MR. TUCKER: John Tucker for
3 Cargill.

4 MS. GRIFFIN: Jennifer Griffin for
5 Willow Brook Foods.

6 THE VIDEOGRAPHER: The court
7 reporter will now swear the witness.

8 DANIEL JOSEPH PARRISH,
9 having been first duly sworn, deposes and says in
10 reply to the questions propounded as follows:

11 DIRECT-EXAMINATION

12 BY MR. McDANIEL:

13 Q Good morning, sir.

14 A Good morning.

15 Q Would you state your full name,
16 please.

17 A Daniel J. Parrish, P-a-r-r-i-s-h.

18 Q What does the J stand for?

19 A Joseph.

20 Q Okay. Sir, what is your employment?

21 A I'm employed with the Oklahoma
22 Department of Agriculture, Food, and Forestry.

23 Q What's your title or your position?

24 A I am title of the Agricultural
25 Environmental Management Services division,

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1 formerly called Water Quality division.

2 Q And what is the function or
3 jurisdiction of -- can we call it AEMS? Would
4 that be okay with you?

5 A Yes, please. AEMS or AEMS, yes.

6 Q You call it AEMS?

7 A AEMS.

8 Q Okay. What's the function of AEMS?

9 A Oversee rules and regulations in
10 Oklahoma for poultry and animals, is a quick
11 synopsis. There's much more to it than that.

12 Q All right. Thank you.

13 Mr. Parrish, I know you have given a
14 deposition before because I know you gave one
15 back about a year or so ago related somewhat to
16 poultry sampling in the Illinois watershed.

17 Have you given any prior
18 depositions?

19 A Yes, I have.

20 Q About how many have you given?

21 A Oh, I've lost track. I couldn't
22 guess. Numbers of them.

23 Q All right. So you're pretty
24 familiar with how depositions work and the rules
25 of the road?

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1 infiltration through a sinkhole or at a well?

2 A Yes. And by sticking to the hundred
3 feet of a perennial stream, pond, well, or
4 sinkhole, it would -- by sticking to that and
5 not applying manure, it would help reduce the
6 problem of what you just referred to.

7 Q I mean, don't we need to -- don't we
8 need to acknowledge that there is virtually no
9 way to set up a zero loss scenario in
10 agriculture?

11 A It would be especially challenging
12 in Eastern Oklahoma, where there are lots of
13 rocks and lots of hills and lots of other
14 problems. It would be very challenging.

15 Q All right. The next bullet point:
16 "To areas within 50 feet of an intermittent
17 stream, unless an established buffer strip is
18 present." It says: "The width of the buffer
19 strip will be used as a setback distance for
20 application purposes. The buffer strip must meet
21 the requirements for design and maintenance
22 established in the appropriate NRCS buffer
23 standard and specification."

24 All right. Help me understand. In
25 practical terms, what does that mean?

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1 Plus two more sentences are there,
2 about wetness, and mentions highly vulnerable
3 groundwater again.

4 Q Okay. So for Mr. Saunders, I have
5 -- in this animal waste management plan, I have
6 some criteria that address all of my fields, that
7 address areas near streams, ponds, water wells,
8 and I have criteria here that address my steep
9 sloping land, and to address my land that is
10 seasonally wet.

11 I have something to refer to in this
12 plan, as far as telling me how to handle my
13 poultry waste related to those lands; correct?

14 A That is correct.

15 But it's only based upon this animal
16 waste management plan document. There are more
17 regulations than just the plan.

18 Q Under the statutory program, as well
19 as the plan, the registered poultry feeding
20 operators are required to maintain records of the
21 disposition of the poultry waste generated on
22 their farms; correct?

23 A Yes.

24 Q And if they land-apply it on their
25 own land, they're supposed to record that;

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1 A These plans provide guidance of how
2 they should use their poultry waste, and then
3 there are other guidance they should also refer
4 to besides these plans.

5 Q But you agree that trained
6 authorized personnel either for -- working for
7 NRCS or working for ODAFF, have prepared a
8 document that specifically tells them what the
9 allowable rate of litter application is on any
10 field upon which they intend to use poultry
11 waste?

12 You agree?

13 A These documents tell that poultry
14 operation the guidelines they should use in
15 applying their waste. But just as me with my
16 driver's license, it doesn't give me everything
17 that I am required to do when I'm driving my car.

18 Q But you expect poultry growers to
19 follow these animal waste management plans?

20 That's what the law says, doesn't
21 it?

22 A Follow those waste management plans,
23 to follow the Oklahoma water quality standards.
24 I can give you a whole list of things that they
25 have to -- in addition to that, that they have to

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1 adhere to, just as I have to do with my driver's
2 license.

3 Q Now, the regulated persons who are
4 required to have animal waste management plans,
5 those are the owners and operators of the
6 registered feeding operations; correct?

7 A The law requires that the owners of
8 a Oklahoma registered poultry feeding operation
9 have an animal waste management plan or proof
10 that they've applied for an animal waste
11 management plan.

12 Q Has ODAFF ever required a poultry
13 integrator to obtain an animal waste management
14 plan?

15 A Yes.

16 Q Has ODAFF ever required a poultry
17 integrator to obtain an animal waste management
18 plan in the Illinois River watershed?

19 A I don't have memorized anybody
20 that's a registered poultry operation in the
21 Illinois River watershed would have to get that
22 plan -- whether there are poultry integrators who
23 have operations owned by them in the Illinois
24 River watershed, I don't have that list
25 memorized.